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August 30, 2002

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The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**IMPLEMENTATION OF SENATE BILL 803 AUTHORIZING
THE REGISTRAR-RECORDER/COUNTY CLERK TO
ADMINISTER ALL RECALL AND SPECIAL ELECTIONS
HELD WITHIN THE CITY OF SOUTH GATE DURING
THE 2002 AND 2003 CALENDAR YEARS (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

Act to implement Senate Bill 803 by authorizing the Registrar-Recorder/County Clerk to conduct all recall and special elections within the city of South Gate held during the 2002 and 2003 calendar years.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On August 26, 2002, the Governor signed into law Senate Bill 803 (Chapter 250, Statutes of 2002) as an urgency statute, declaring that there exists a need for an experienced, objective, impartial and professional entity to conduct any recall or special election to be held within the City of South Gate during the 2002 and 2003 calendar years.

This law provides that these elections shall be administered, for all purposes, by the Los Angeles County Registrar-Recorder/County Clerk ("Registrar") upon approval by your Board.

The purpose of this recommended action is for your Board to provide the required approval.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This recommended action is consistent with the Countywide Strategic Plan Goal 3, Organizational Effectiveness, Strategy 3, collaboration across functional and jurisdictional boundaries.

FISCAL IMPACT/FINANCING

Senate Bill 803 requires the City of South Gate to reimburse the County of Los Angeles from the City treasury for all expenses authorized and necessarily incurred in conducting any recall or special election held within the City pursuant to this bill.

If payment is not made in a timely manner, and after sufficient notice to the City, your Board may pass a resolution informing the State Controller that some or all of the amount due is outstanding.

The Controller shall, upon receipt of your Board's resolution, deduct from apportionments scheduled for periodic distribution to the City, from any unrestricted funds or moneys, the outstanding balance owed and instead pay the amount to the County of Los Angeles.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Senate Bill 803 declares that it is the intent of the Legislature to ensure the integrity, efficiency, and lawful conduct of recall and special elections in the City of South Gate in order to avoid real bias, or the perception of bias or impropriety, and to strengthen the public's confidence in the fair and free operation of the election process and the reporting of results therefrom.

A recall effort is currently pending in the City of South Gate to remove certain members of the City Council. Judge Dzintra Janavs of the Los Angeles Superior Court has ruled that the form of the recall petition is lawful, and the City has appealed. During the pendency of the appeal, Judge Janavs found it necessary to order that the recall petitions be secured to the custody of our Registrar rather than filed with the City's election official, the City Clerk.

The appeal was argued and submitted to the Court of Appeal, Second Appellate District, Division Eight, on July 30, 2002, and the appellate court will render a decision within ninety days. (*Ruiz v. Sylva*, 2nd Civil No. B157433.) If the appeal is denied, the elections official responsible for the conduct of the recall election will be required to verify the signatures on the petition and, if sufficient valid signatures are found, to conduct the election.

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By letter dated August 28, 2002, the Secretary of State wrote to urge your Board to approve implementation of Senate Bill 803 "at the earliest possible opportunity."

On June 20, 2002, the City of South Gate filed a resolution with the Clerk of the Board requesting that your Board also authorize the Registrar-Recorder/County Clerk to conduct the City's recall election, if and when that election is held. The City's resolution, however, is limited to the recall effort currently subject to appeal, and does not provide for reimbursement through the State if payment from the City is not made in a timely manner.

By taking the action as recommended pursuant to SB 803, the action will supersede the request by the City.

IMPACTS ON CURRENT SERVICES

We are advised by the Registrar that the recommended action will not affect current election services.

Respectfully submitted,



LLOYD W. PELLMAN
County Counsel

LWP:HSM:mv

c. David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

Conny B. McCormack
Registrar-Recorder/County Clerk